

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
ALBANY DIVISION

UNITED STATES OF AMERICA,

v.

KENT EDWARD JORDAN,

Defendant.

1:04-CR-33 (WLS)

ORDER

Before the Court is Defendant's *pro se* motion to have another attorney appointed to represent Defendant on appeal. (Tab 50). Defendant is currently represented by Attorney Phil Cannon, who also represented Defendant at trial. Defendant states that new counsel should be appointed so that he can raise the issue of ineffective assistance of counsel. Defendant's appointed appellate counsel by letter to this court has also requested that the court consider appointing new appellant counsel. Counsel references defendant's claim of ineffective assistance of counsel. Given that the appeal has already been docketed at the Eleventh Circuit Court of Appeals it is unlikely this Court has jurisdiction to decide this motion. The Court also notes that the Eleventh Circuit apparently appointed counsel to represent Defendant after Defendant filed a *pro se* notice of appeal. Even so, the Eleventh Circuit has stated it "generally do[es] not hear claims of ineffective assistance of counsel on direct appeal because there seldom has been sufficient opportunity to develop the record with regards to the merits of these claims." U.S. v. McLean, 138 F.3d 1398, 1406 (11<sup>th</sup> Cir. 1998). Such claims are usually decided in 28 U.S.C. § 2255 proceedings. Therefore, to the extent that this Court has any authority to decide the issue, Defendant's motion for the appointment of additional counsel (Tab 50) is **DENIED**.

SO ORDERED, this 22<sup>nd</sup> day of December, 2005.

/s/W. Louis Sands  
**W. Louis Sands, Chief Judge**  
**United States District Court**